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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues prior to submission of the fifth periodic report of Cameroon*

The Committee against Torture, at its thirty-eighth session (A/62/44, paras. 23 and 24), established an optional procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations[1]

Articles 1 and 4

1. With reference to the Committee's previous concluding observations (para. 10), please provide detailed information on the measures taken to adopt a definition of torture in domestic criminal law that is consistent with article 1 of the Convention and to ensure that the penalties for torture are commensurate with the gravity of the acts committed.

Article 2[2]

2. In the light of the Committee's previous concluding observations (para. 11), please provide information on the measures taken by the State party and on the procedures in force to ensure that:

* Adopted by the Committee at its fifty-fourth session (20 April-15 May 2015).

[1] The paragraph numbers in brackets refer to the Committee's previous concluding observations, issued under symbol CAT/C/CMR/CO/4.

[2] The issues raised under article 2 could also be relevant to other articles of the Convention, such as article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2 by States parties, "the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter 'ill-treatment') under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. [...] In practice, the definitional threshold between ill-treatment and torture is often not clear." See also section V of the same general comment.

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(a) All detainees enjoy in practice all legal safeguards from the outset of their deprivation of liberty, in particular the rights to have access to a lawyer, to be examined by an independent physician of their choice, to be informed of their rights and of the charges against them, to notify a relative and to be brought promptly before a judge;[3]

(b) Detention registers are kept scrupulously up to date;

(c) Legal aid is available for the most disadvantaged, regardless of the sentences they face.[4]

3. In its previous concluding observations (para. 13), the Committee expressed its concern that a writ of habeas corpus must be accompanied by an order of release from the State prosecutor. Please indicate whether the provisions of the Code of Criminal Procedure have been amended in this regard.

4. Please provide detailed information on the measures adopted to guarantee the full independence and impartiality of judges and prosecutors, by ensuring, inter alia, that appointments are made according to objective criteria. Please include information on the appointments procedure for judges and the regulations that govern their tenure and the procedure by which they can be dismissed.[5]

5. Please indicate what steps have been taken to guarantee the independence of the National Commission on Human Rights and Freedoms from the executive branch, for instance by ensuring that it has an adequate budget for the performance of its duties.[6]

6. Taking into account the Committee's previous concluding observations (para. 29), please describe the legislative and other measures taken to prohibit female genital mutilation and other harmful traditional practices, in particular breast ironing, the stigmatization of widows, widowhood rites and the kidnapping of children for magico-religious practices.[7] Please also include information on the progress made in implementing the National Plan of Action to Combat Female Genital Mutilation and the National Programme on Reproductive Health, which covers, inter alia, the elimination of harmful traditional practices.[8] Please also provide updated statistics on complaints, investigations, prosecutions, convictions and sentences imposed on perpetrators of criminal conduct related to harmful traditional practices, as well as on assistance and compensation provided to victims.

7. In the light of the Committee's previous concluding observations (para. 30), please provide information on legislative and other measures taken to combat and punish all forms of violence against women, including domestic violence and rape, marital or otherwise.[9] In this regard, please indicate whether the State party is considering repealing the provision that provides for exoneration from the crime of rape if the victim agrees to marry the perpetrator.[10] Please also include information on the progress made in implementing the National Strategy to Combat Violence against

[3] A/HRC/WG.6/16/CMR/3, para. 66; CCPR/C/CMR/CO/4, para. 19.

[4] CAT/C/CMR/CO/4, para. 12; CEDAW/C/CMR/CO/4-5, para. 10.

[5] A/HRC/WG.6/16/CMR/3, paras. 8 and 65; CCPR/C/CMR/CO/4, para. 23.

[6] CAT/C/CMR/CO/4, para. 26; CCPR/C/CMR/CO/4, para. 7; CRC/C/CMR/CO/2, paras. 15-16; A/HRC/WG.6/16/CMR/3, paras. 28-29; A/HRC/24/15, paras. 19, 33, 44, 45, 48, 54, 56, 67, 76, 79, 102, 104, 106, 116 and 123.

[7] CCPR/C/CMR/CO/4, para. 10; CEDAW/C/CMR/CO/4-5, paras. 16-17; A/HRC/WG.6/16/CMR/3, para. 56; A/HRC/24/15, paras. 31, 35, 66, 79, 84, 85, 89, 94, 97-100, 107, 116 and 122.

[8] CRC/C/CMR/CO/2, paras. 59-60; A/HRC/24/15, para. 98.

[9] CEDAW/C/CMR/CO/4-5, para. 18; A/HRC/WG.6/16/CMR/3, paras. 2 and 57; A/HRC/24/15, paras. 38, 40, 42, 103, 106 and 117.

[10] CCPR/C/CMR/CO/4, para. 11; CAT/C/CMR/CO/4, para. 30; A/HRC/WG.6/16/CMR/3, para. 57.

Women and the Programme to Combat the Various Forms of Violence against Women.[11] Please also provide information, and statistics disaggregated by age and ethnicity of the victims, on the number of complaints, investigations, prosecutions, convictions and sentences handed down in cases of gender-based violence since the consideration of the fourth periodic report of Cameroon.[12]

8. Please provide updated information, disaggregated by age, sex and ethnic origin or nationality of the victims, on the number of complaints, investigations, prosecutions, convictions and sentences imposed in cases of human trafficking since the consideration of the State party's previous report. Please also supply additional information on:[13]

(a) Any new legislation or measure that has been adopted to prevent, combat and criminalize trafficking in persons;

(b) The measures adopted to ensure that victims of human trafficking have access to effective remedies and reparation;

(c) The signature of bilateral or subregional agreements with the countries concerned, including neighbouring countries, to prevent and combat human trafficking.

Article 3

9. Taking into account the Committee's previous concluding observations (para. 28), please describe the measures taken during the period under review to ensure that no person is returned to a country where he or she would be in danger of torture. Please indicate the procedure followed when a person invokes this right and whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal a deportation decision. If so, please indicate whether such an appeal has suspensive effect.[14]

10. Please provide information on the number of asylum applications received during the period under review and the number of successful applications, including the number of asylum seekers whose applications were accepted because they had been tortured or might be tortured if returned to their country of origin. Please include information, broken down by sex, age and country of origin, on the number of persons who have been returned, extradited or expelled since the consideration of the previous report. Please provide details on the grounds on which they were sent back and a list of countries to which they were returned. Please provide updated information on the type of appeal mechanisms that may exist, on whether any appeals have been made and, if so, on their outcome.

11. Please indicate how many refoulements, extraditions and expulsions have been carried out by the State party during the reporting period through the acceptance of diplomatic assurances or the equivalent thereof, as well as any instances in which the State party has itself given such diplomatic assurances or guarantees. Please indicate the minimum contents of any such assurances or guarantees, whether given or received, and the measures taken with regard to subsequent monitoring in such cases.

[11] CEDAW/C/CMR/CO/4-5, paras. 5 (a) and 18; A/HRC/24/15, paras. 14 and 30.

[12] CAT/C/CMR/CO/4, paras. 31 and 34 (f).

[13] CEDAW/C/CMR/CO/4-5, paras. 4, 5 (b) and 20-21; CRC/C/CMR/CO/2, paras. 3 (a), 5 (b), 69-70 and 73-76; A/HRC/WG.6/16/CMR/3, paras. 20, 24, 33 and 59-61; A/HRC/24/15, paras. 34, 70, 83 and 116.

[14] CCPR/C/CMR/CO/4, para. 22; CRC/C/CMR/CO/2, paras. 3 (b) and 67-68.

Articles 5 to 9

12. Please provide information on the legislative or other measures taken to implement article 5 of the Convention. Please indicate whether acts of torture are considered universal crimes under national law, wherever they occur and whatever the nationality of the perpetrator or victim. Please provide any relevant examples of prosecutions.

13. Please inform the Committee of any extradition agreements concluded with other States parties and specify whether the offences referred to in article 4 of the Convention are included as extraditable offences in such agreements.

14. Please indicate what mutual judicial assistance treaties or agreements Cameroon has entered into with other entities, such as countries, international tribunals or international institutions, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. Please provide examples.

Article 10

15. With reference to the previous concluding observations (para. 18), please provide up-to-date information on training and educational programmes developed by the State party to ensure that law enforcement officials, members of the armed forces and prison personnel are fully familiar with the provisions of the Convention and aware of the fact that breaches will not be tolerated and will be investigated, and that offenders will be prosecuted. [15] Please indicate whether the State party has developed a methodology to assess the effectiveness of training and educational programmes on the reduction of cases of torture and ill-treatment, and, if so, please provide information on that methodology.

16. Please provide detailed information on training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons, to detect and document physical and psychological sequelae of torture. Please indicate whether such programmes include specific training with regard to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

Article 11

17. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any interrogation rules, instructions, methods and practices and arrangements for the custody of persons subjected to any form of arrest, detention or imprisonment that may have been introduced since the consideration of the previous report. Please also indicate the frequency with which these are reviewed.

18. With regard to the Committee's previous concluding observations (para. 26), please provide information on efforts to establish a national system to effectively monitor and inspect all places of detention and to react to the findings of that systematic review. [16] Please indicate whether the representatives of non-governmental organizations, including the International Committee of the Red Cross (ICRC), are permitted to conduct regular and unannounced visits to all places of detention. [17]

[15] A/HRC/WG.6/16/CMR/3, para. 10; A/HRC/24/15, paras. 28, 41, 84, 109 and 126.

[16] CCPR/C/CMR/CO/4, para. 21.

[17] A/HRC/WG.6/16/CMR/3, para. 50.

19. With reference to the previous concluding observations (para. 14), please provide updated statistical data, disaggregated by sex, age and ethnic origin or nationality, on the number of pretrial detainees and convicted prisoners and the occupancy rate of all places of detention. Please inform the Committee on the measures taken to address concerns regarding prolonged pretrial detention[18] and the situation of some persons awaiting trial who have reportedly been held in prison for a period longer than the sentence they face.[19]

20. Taking into account the Committee's previous concluding observations (para. 15), please describe the results of the Programme to Improve Detention Conditions and Respect for Human Rights 2007-2010.[20] Please indicate the measures taken to ensure that men are separated from women, untried prisoners from convicted prisoners, and adults from minors in all places of detention.[21] Please also provide information on the measures taken to revise the provisions of the Code of Criminal Procedure on civil imprisonment.[22] Please also comment on reports that a large number of prisoners continue to be chained up for days or even months in inhuman and degrading conditions.[23]

21. Please provide information on the frequency of inter-prisoner violence, particularly rape and other sexual assault, including any cases involving negligence on the part of law enforcement personnel, and the number of complaints made in this regard. Please indicate what preventive measures have been taken.[24]

22. Taking into account the Committee's previous concluding observations (para. 16), please provide statistical data on deaths in custody during the period under consideration, broken down by place of detention, sex, age and ethnicity or nationality of the deceased and cause of death. Please provide detailed information on the results of the investigations into these deaths and on the measures taken to prevent the reoccurrence of similar cases.[25] Please indicate whether, in any of the cases, relatives received compensation. Please include information on the investigation into the death of the journalist Germain Cyrille Ngota Ngota at the Kondengui prison in Yaoundé on 22 April 2010.[26]

Articles 12 and 13

23. Taking into account the Committee's previous concluding observations (para. 12), please provide information on the steps taken to facilitate access to justice for all victims of torture or ill-treatment.[27] Please also describe the steps taken to establish a protection programme for complainants and witnesses in cases of torture and ill-treatment (para. 20 (d)).

24. With reference to the previous concluding observations (para. 22), please inform the Committee of the steps taken to establish a fully independent complaints

[18] A/HRC/WG.6/16/CMR/3, paras. 7 and 49; CCPR/C/CMR/CO/4, para. 20.

[19] CAT/C/CMR/CO/4, para. 15.

[20] CAT/C/CMR/CO/4, para. 9; A/HRC/24/15, paras. 24, 43, 91 and 99; A/HRC/WG.6/16/CMR/3, paras. 7, 47 and 48; CCPR/C/CMR/CO/4, para. 21.

[21] A/HRC/WG.6/16/CMR/3, paras. 7 and 48; CCPR/C/CMR/CO/4, para. 21.

[22] CAT/C/CMR/CO/4, para. 15 (e).

[23] A/HRC/WG.6/16/CMR/3, para. 7; CAT/C/CMR/CO/4, para. 17.

[24] A/HRC/WG.6/16/CMR/3, paras. 7 and 48.

[25] A/HRC/WC.6/16/CMR/3, para. 50.

[26] CAT/C/CMR/CO/4, para. 18; A/HRC/WG.6/16/CMR/3, para. 46.

[27] CCPR/C/CMR/CO/4, para. 17; A/HRC/WG.6/16/CMR/3, para. 42.

mechanism to ensure prompt, impartial and full investigations into all allegations of torture.[28]

25. As requested in the Committee's previous concluding observations (paras. 20 (f) and 31), please provide updated statistical data, disaggregated by sex, age, ethnic origin or nationality and place of detention, on complaints of acts of torture and ill-treatment recorded during the reporting period. Please include information on investigations, disciplinary and criminal proceedings, convictions and the criminal or disciplinary sanctions applied. In this regard, please provide examples of relevant cases and/or judicial decisions.[29] Please also supply detailed information on the outcome of the investigations into the acts of torture and murders allegedly committed during the events of February 2008.[30]

Article 14

26. Please provide statistics, disaggregated by sex, age and ethnic origin or nationality, on redress and compensation measures, including the means of rehabilitation, ordered by the courts and actually provided to victims of torture or ill-treatment or their families since the consideration of the previous periodic report. Please also provide information on any ongoing reparation programmes, including treatment of trauma and other forms of rehabilitation provided to victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for their effective functioning.[31]

Article 15

27. Please provide examples of any cases that have been dismissed by the courts due to the introduction of evidence or testimony obtained through torture or ill-treatment.

Article 16

28. Bearing in mind the Committee's previous concluding observations (para. 18), please provide information on the steps taken to protect human rights defenders, trade unionists and journalists and to punish the perpetrators of acts of violence, ill-treatment or intimidation directed at them,[32] together with information on the specific measures taken in connection with the investigations into the harassment and intimidation of Maximilienne Ngo Mbe, the executive director of the Réseau des défenseurs des droits humains en Afrique Centrale (Central African Human Rights Defenders Network).

29. Please comment on reports that lesbian, gay, bisexual and transgender people continue to be subjected to arbitrary arrest and ill-treatment by the police.[33] In this regard, please provide information on the steps taken to address such harassment. Please also provide information on current legislation regarding consensual relations between adults of the same sex. Please also inform the Committee of the measures taken to protect those defending the rights of lesbian, gay, bisexual, transgender and intersex persons (LGBTI) and to punish the perpetrators of acts of violence and

[28] CCPR/C/CMR/CO/4, para. 17; A/HRC/WG.6/16/CMR/3, para. 53.

[29] CCPR/C/CMR/CO/4, para. 17; A/HRC/WG.6/16/CMR/3, paras. 42-45, 66 and 68; A/HRC/24/15, paras. 28, 43, 76 and 100; CRC/C/CMR/CO/2, paras. 35-36.

[30] CAT/C/CMR/CO/4, para. 19; CCPR/C/CMR/CO/4, para. 18.

[31] A/HRC/WG.6/16/CMR/3, para. 6.

[32] CCPR/C/CMR/CO/4, para. 25; A/HRC/WG.6/16/CMR/3, paras. 10, 45-46, 68 and 72-74; A/HRC/24/15, paras. 21, 42, 59, 60, 97, 107, 118 and 128.

[33] A/HRC/WG.6/16/CMR/3, paras. 51-54; A/HRC/24/15, paras. 42, 43, 57 and 110; CCPR/C/CMR/CO/4, para. 12.

intimidation against them. Please include information on the specific measures taken in connection with the investigations into the murder in Yaoundé on 15 July 2013 of Éric Ohena Lembembe, the executive director of the Cameroonian Foundation for AIDS and a journalist committed to defending the rights of LGBTI persons.

30. Please indicate the measures taken to ensure that corporal punishment of children is explicitly prohibited in all settings, including in the family and in children's institutions.[34]

Other issues

31. In view of the State party's undertaking to the Committee,[35] please indicate whether the State party intends to ratify the Optional Protocol to the Convention against Torture, which it signed on 15 December 2009, and, if so, the status of the ratification process.

32. Please indicate whether the State party envisages abolishing the death penalty in its legislation and whether it is considering ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.[36]

33. Please provide updated information on measures taken by the State party to respond to any threats of terrorism and say whether and how these antiterrorism measures have affected human rights safeguards in law and practice, and how it has ensured that the measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005). Please describe the relevant training given to law enforcement officials and the number and types of convictions handed down under antiterrorist legislation. Please indicate whether there have been any complaints of non-observance of international standards and the outcome of these complaints.

General information on the human rights situation in the country, including new measures and developments relating to the implementation of the Convention

34. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the previous report that implement the provisions of the Convention or the Committee's recommendations. This may include institutional developments, plans or programmes. Please state what resources have been allocated and provide statistical data or any other information that the State party considers relevant.

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[34] CRC/C/CMR/CO/2, paras. 37-38; A/HRC/24/15, para. 40; A/HRC/WG.6/16/CMR/3, para. 63.

[35] CAT/C/SR.944, para. 3; CAT/C/CMR/CO/4, para. 32.

[36] CCPR/C/CMR/CO/4, para. 14; A/HRC/WG.6/16/CMR/3, paras. 40-41; A/HRC/24/15, paras. 58 and 100.